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5 Attorneys for Defendants/Third Party Plaintiffs
6 COUNTY OF SONOMA, BILL COGBILL, SONOMA COUNTY
7 DEPUTY SHERIFF JOHN MISITA, SONOMA COUNTY DEPUTY
SHERIFF JIM RYAN

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 ESTATE OF JEREMIAH CHASS, MARK
11 CHASS, YVETTE CHASS, and I.C., a minor,
by and through his Guardian Ad Litem,
YVETTE CHASS,

12 Plaintiffs,

13 v.

14 COUNTY OF SONOMA, BILL COGBILL, in
15 his individual capacity and in his official
capacity as Sheriff for the COUNTY OF
16 SONOMA, SONOMA COUNTY DEPUTY
SHERIFF JOHN MISITA, SONOMA COUNTY
17 DEPUTY SHERIFF JIM RYAN, and DOES 1
through 50,

18 Defendants and Third Party Plaintiffs,

19 v.

20 SANTA ROSA MEMORIAL HOSPITAL,

21 Third Party Defendants.

CASE NO.: CV 08 0111 MMC

**STIPULATION AND ORDER RE:
REMAND TO SONOMA COUNTY
SUPERIOR COURT**

23 WHEREAS, third party defendant Santa Rosa Memorial Hospital filed a Motion for
24 Remand on April 2, 2009;

25 WHEREAS, third party plaintiffs and third party defendant, through their counsel, stipulate
26 and agree that remand to Sonoma County Superior Court is appropriate, upon condition that all
27 discovery obtained prior to removal may be used in the action in Sonoma County Superior Court,
28 that all lay discovery is, and shall be, closed, and that no experts shall be disclosed by the parties,

1 other than experts disclosed in connection with the parties' disclosures in the pending action.

2 NOW, THEREFORE, the parties stipulate and agree as follows:

3 1. The case shall be remanded to Sonoma County Superior Court, subject to the
4 following conditions.

5 2. All discovery obtained prior to removal shall be admissible in the state court
6 proceedings.

7 3. Lay discovery, i.e. all discovery other than depositions of disclosed expert witnesses,
8 is closed, other than the deposition of the Sonoma County PMK, Sheriff Cogbill, previously noticed
9 by Santa Rosa Memorial Hospital and postponed by agreement of the parties.

10 4. The parties agree that experts disclosed pursuant to Rule 26 shall constitute expert
11 witness disclosure for purposes of the Sonoma County Superior Court action, and no further experts
12 shall be disclosed by the parties.

13 5. Santa Rosa Memorial Hospital shall be permitted to file an answer in the Sonoma
14 County Superior Court action.

15 6. The pending Motion for Summary Judgment filed by third party defendant Santa
16 Rosa Memorial Hospital shall be re-filed, if desired, by Santa Rosa Memorial Hospital, in Sonoma
17 County Superior Court, following California Code of Civil Procedure guidelines with respect to the
18 same.

19 DATED: April 10, 2009

GEARY, SHEA, O'DONNELL, GRATTAN &
MITCHELL, P.C.

20 By _____
21 STEVEN C. MITCHELL
22 Attorneys for Defendants/Third Party Plaintiffs
23 COUNTY OF SONOMA, BILL COGBILL,
SONOMA COUNTY DEPUTY SHERIFF
JOHN MISITA and SONOMA COUNTY
DEPUTY SHERIFF JIM RYAN

24
25 DATED: April 10, 2009

TATE & ASSOCIATES

26 By _____
27 LAUREN TATE
28 Attorneys for Third Party Defendant
SANTA ROSA MEMORIAL HOSPITAL

1 IT IS SO ORDERED:
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3 DATED: April 10, 2009
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Maxine M. Chesney
MAXINE M. CHESNEY
United States District Court Judge

LAW OFFICES OF
GEARY,
SHEA,
O'DONNELL,
GRATTAN &
MITCHELL
P.C.